

MERANZE AND KATZ, P.C.

BY: Michael N. Katz, Esquire (ID# 27857)

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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BRICKLAYERS AND ALLIED CRAFTWORKERS

LOCAL 1 OF PA/DE et al.

Plaintiffs,

v.

MASTRO MASONRY CONTRACTORS et al.

Defendants

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CIVIL ACTION

NO. 02CV-4079

TRIAL MEMORANDUM

Plaintiffs, Bricklayers and Allied Craftworkers Local 1 of PA/DE, Bricklayers and Allied Craftworkers Local 1 of PA/DE Health and Welfare Fund, Bricklayers and Allied Craftworkers Local 1 of PA/DE Joint Apprenticeship and Training Fund, Tile Layers Local 6 Annuity Fund, TMT Tile Finishers Local 32 Annuity Fund, Tile Layers Local 6 Vacation Fund and TMT Tile Finishers Local 32 Vacation Fund file this trial memorandum in accordance with the Court's Non-Jury Trial Attachment Order of September 30, 2003.

EXHIBITS:

1. Collective Bargaining Agreement between Employing Bricklayers Association of Delaware Valley and Local No. 1 of PA/DE, May 1, 2000—April 30, 2003.
2. Schedule A: Wage Rates Effective May 1, 2001.
3. Signature page for Mastro Masonry Contractors, August 9, 2001.
4. Agreement and Declaration of Trust for welfare and benefit funds.
5. Statement of Policy For Collection Of Delinquent Contributions.
6. Mastro Masonry Certified Payroll, December 12, 2001—March 27, 2002.

7. Spreadsheet: Mastro Benefit Claim.
8. Spreadsheet: Mastro Dues Claim.
9. Mastro Masonry Fringe Benefit Funds reports August 2001—January 2002.
10. Spreadsheet Mastro: Interest and Liquidated Damages Due.
11. Meranze and Katz time billing for Mastro Masonry.
12. Receipts for filing and service costs.

EXPERT WITNESSES:

Plaintiffs do not plan on calling any expert witnesses.

FACT WITNESSES:

John Phillips
2706 Black Lake Place
Philadelphia, PA 19154

Mr. Phillips is President and Business Manager of Bricklayers and Allied Craftworkers Local 1 of PA/DE. Mr. Phillips will testify about the collective bargaining agreement between Local 1 and the Employing Bricklayers Association and the signing of that agreement by Joseph Russo on behalf of Mastro Masonry.

Edward Powers
2706 Black Lake Place
Philadelphia, PA 19154

Mr. Powers is the Administrator of the Bricklayers and Allied Craftworkers Local 1 of PA/DE Health and Welfare Fund. Mr. Powers will testify about employer contributions to the Local 1 affiliated benefit funds.

ITEMIZED STATEMENT OF DAMAGES

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|----|---|--------------|
| 1. | Unpaid benefit claim..... | \$127,200.61 |
| 2. | Dues claim | \$22,031.28 |
| 3. | Contract Interest and Liquidated damages..... | \$3,024.85 |
| 4. | Attorney's fees | \$2,775.00 |
| 5. | Costs..... | \$225.00 |
| 6. | Total | \$155,256.74 |

SIGNIFICANT ISSUES:

None

NAMES AND ADDRESSES OF PARTIES

Plaintiffs:

Bricklayers and Allied Craftworkers Local 1 of PA/DE
2706 Black Lake Place
Philadelphia, PA 19154

Bricklayers and Allied Craftworkers Local 1 of PA/DE
Health and Welfare Fund
2706 Black Lake Place
Philadelphia, PA 19154

Bricklayers and Allied Craftworkers Local 1 of PA/DE
Joint Apprenticeship and Training Fund
Suite 240, Meetinghouse Business Center
140 West Germantown Pike
Plymouth Meeting, PA 19462

Tile Layers Local 6 Annuity Fund
2706 Black Lake Place
Philadelphia, PA 19154

TMT Tile Finishers Local 32 Annuity Fund
2706 Black Lake Place
Philadelphia, PA 19154

Tile Layers Local 6 Vacation Fund
2706 Black Lake Place
Philadelphia, PA 19154

TMT Tile Finishers Local 32 Vacation Fund
2706 Black Lake Place
Philadelphia, PA 19154

Defendants:

Mastro Masonry Contractors
3117 Lehigh Street, Suite 222
Allentown, PA 18103

Ernest Bock and Sons, Inc.
2800 Southhampton Road
Philadelphia, PA 19154

XL Specialty Insurance Company
436 Walnut Street
Philadelphia, PA 19106

Joseph Russo
3117 Lehigh Street, Suite 222
Allentown, PA 18103

TRIAL COUNSEL:

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Respectfully submitted,

MERANZE AND KATZ, P.C.

October 10, 2003

BY: MICHAEL N. KATZ
CLAIBORNE S. NEWLIN